



CITY OF HAYWARD

AGENDA REPORT

Planning Commission

Meeting Date 04/27/00

Agenda Item 4

TO: Planning Commission

FROM: Dyana Anderly, Planning Manager

SUBJECT: Site Plan Review Application No. 00-130-03/Variance Application No. 00-180-07 – Chung Yeh (Applicant/Owner): Request to Construct Eight Dwellings With Variances to Locate Parking Within the Required 5-Foot Side Yard Setback - The Project Location is on the West Side of Dobbel Avenue, Approximately 110 Feet North of Pappas Place in the Single-Family Residential (RS) District

RECOMMENDATION:

Staff recommends that the Planning Commission approve the project.

BACKGROUND:

The tentative map for the eight-lot subdivision was approved by City Council in 1989 and has since been sold to Chung Yeh, the applicant, who is interested in developing the tract. The applicant has submitted plans for the homes, and the designs involve sharing driveways between each two homes. The design of homes (site plan review) can be approved administratively when all design standards are met and when no significant variances are involved. In this case, the variance request relating to the location of the driveways is not within staff's discretion to approve or deny, so the project is before the Planning Commission for their consideration.

The proposed homes are on fairly steep parcels. The designs of the homes meet all City of Hayward Hillside Design and Urban/Wildland Interface Guidelines, and staff finds that the proposed designs for the homes are attractive. Houses range from 3,377 to 3,909 square feet on parcels greater than 10,000 square feet. (Please see attached designs.) The proposed dwellings are separated by at least 20 feet, and they exhibit a stepped design that follows the natural terrain.

One of the guidelines for hillside residential development encourages common driveways to minimize pavement, which this project provides. However, the Zoning Ordinance has not made a provision for the shared driveway configuration, so approval of a variance is required. Given the steep terrain and the intent of the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines to limit driveways, staff supports the common driveways. A condition of approval requires the applicant to provide for joint maintenance within a deed restriction or other mechanism. Although driveways are shared, the project includes adequate

area for each lot to have a two-car garage, space for two parked vehicles in front of each garage, and at least one parking space in the road in front of each parcel.

ENVIRONMENTAL REVIEW:


The project is exempt from environmental review (Sec. 15061(b)(3)) in that the negative declaration approved for the tract addressed the development of single-family dwellings on steep parcels. In addition, a negative declaration was approved for *the "City of Hayward Hillside Design and Urban/Wildland Interface Guidelines,"* which includes a guideline that supports shared driveways.

PUBLIC NOTICE:

On March 2, 2000, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Old Highlands Homeowners Association and former members of the Hayward Highlands Neighborhood Task Force. The Referral Notice provided an opportunity for persons to comment on the project. One telephone inquiry was received inquiring about the project, but no objections were received.

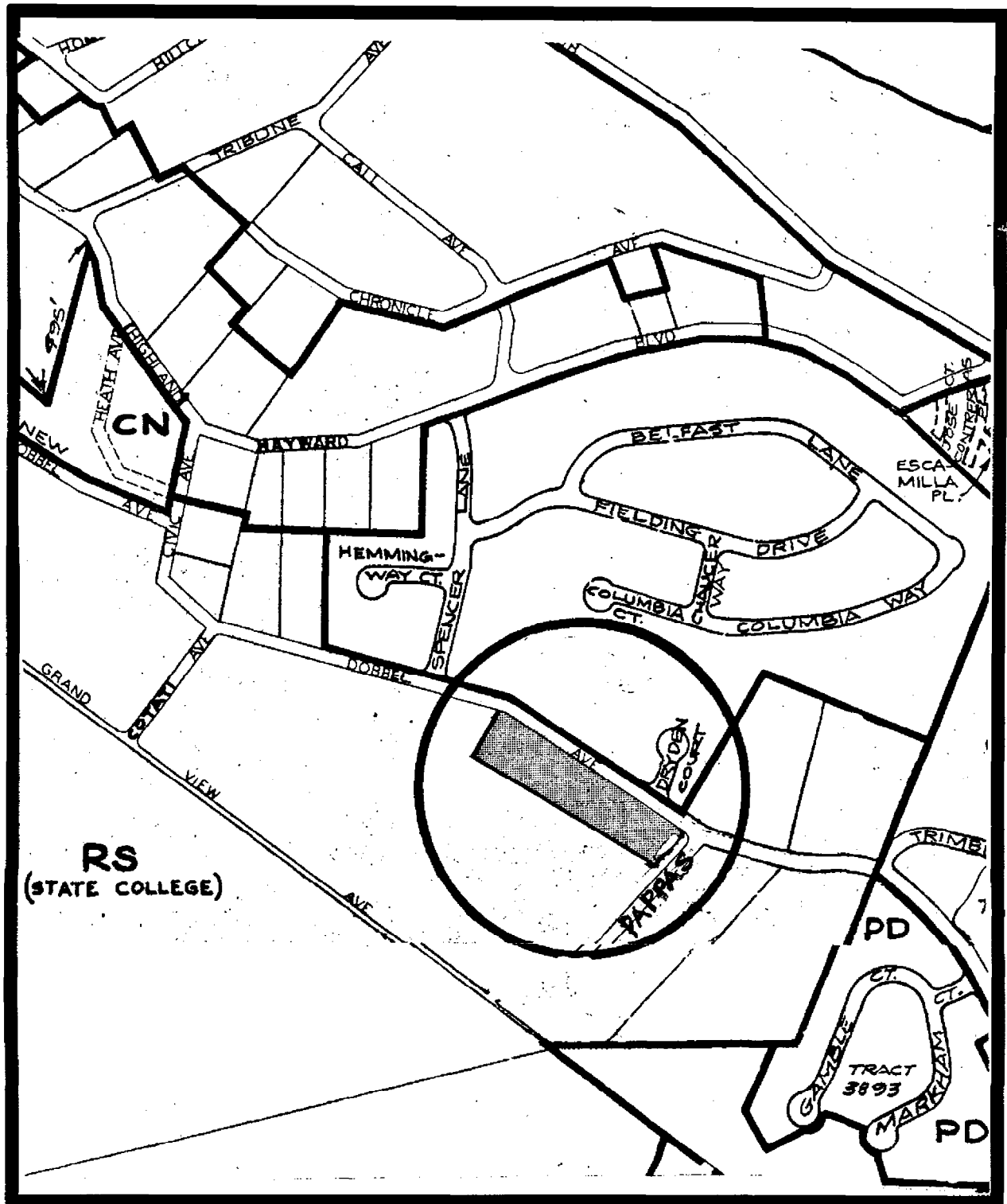
On April 17, 2000, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Old Highlands Homeowners Association and former members of the Hayward Highlands Neighborhood Task Force.

Prepared by:


Dyana Anderly
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval of Variance
- C. Findings for Approval of Site Plan Review
- D. Conditions
Plans



**Area Map for Dobbel Avenue
Site Plan Review 00-130-07 – Eight Homes
Variance No. 00-180-07 to Reduce Req'd Side Yard**

VARIANCE APPLICATION NO. 00-180-07
CHUNG YEH (APPLICANT/OWNER)
FINDINGS FOR APPROVAL
April 27, 2000

Findings for Approval – Request to reduce the required side yard for parking from 5 feet to 0 feet (shared driveways).

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations to Land Use Limitations*.
- B. There are special circumstances applicable to the property in that the subject properties are situated on a steep hillside where shared driveways are encouraged by the Hillside Design Guidelines.
- C. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that another shared parking arrangement has been approved in the hill area subsequent to the adoption of the Hillside Design Guidelines.
- D. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and the Single Family Residential District in which the property is situated in that other properties have been developed with shared driveways, particularly on flag lots in the hill area.
- E. The variance will not compromise the purpose or the zone district and no detrimental impact will result.

SITE PLAN REVIEW APPLICATION NO. 00-130-03
CHUNG YEH (APPLICANT/OWNER)
FINDINGS FOR APPROVAL
April 27, 2000

- A. The development is compatible with on-site and surrounding structures and uses in that they are large home with good design that respects the topography.
- B. The development takes into consideration physical and environmental constraints, in that the homes will be constructed with 10-foot side yards and shared driveways to reduce impermeable surfaces.
- C. The development complies with the intent of City development policies and regulations, in that it is infill development which is consistent in size, scale and appearance with existing residential structures and encourages owner-occupied.
- D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development, in that building code requirements will be met and restrictions on the properties will address shared use of driveways.

SITE PLAN REVIEW APPLICATION NO. 00-130-03

VARIANCE APPLICATION NO. 00-180-07

CHUNG YEH (APPLICANT/OWNER)

CONDITIONS OF APPROVAL

April 27, 2000

1. The proposed improvements shall be constructed and installed according to the plans labeled Exhibit "A", except as required to be modified by these conditions of approval. This approval is void one year after the effective date of approval unless prior to that time a building permit has been accepted by the City of Hayward Building Official to construct the project. Any modifications to the approved plans or conditions shall require prior review and approval from the Planning Director.
2. Prior to final inspection of the homes or occupancy (whichever occurs first), all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director.
3. All provisions of the City of Hayward Hillside Design and Urban/Wildland Interface Guidelines shall be met, including incorporating decorative (textured or stamped concrete or interlocking pavers), neutral paving materials in the driveways, colors that provide a smooth visual transition between the homes and the surroundings,
4. The Planning Director shall approve the colors and materials of the structures.
5. All retaining walls shall be reinforced concrete.
6. The drainage swale behind the retaining walls shall be concrete.
7. Upon application for a building permit, show elevations of top of curb, pavement and grade breaks; show location of water services and sewer laterals with a minimum separation of 6 feet; show water meters a minimum of 2 feet clear of top of driveway flare; and show that the grade of the driveways conform to SD-109.
8. Before approval of the first building permit, the applicant shall provide a joint maintenance agreement in a format acceptable to the Planning Director, such as a deed restriction or covenant.